



California  
**STATE LANDS**  
Commission

**Commissioners:**

**Gavin Newsom**, Lieutenant Governor, Chair

**Betty T. Yee**, State Controller, Member

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## **STATE LANDS COMMISSION OPPOSES FEDERAL LEGISLATION THAT STRIPS STATES OF THEIR RIGHT TO PROTECT STATE WATERS**

Sacramento, CA – Today, the California State Lands Commission unanimously opposed federal legislation that would dramatically increase the likelihood of marine invasive species introductions and water pollution in California by revoking the long-standing right of states to regulate their waters under the Clean Water Act and the National Invasive Species Act.

“California laws that protect our ecosystem from invasive species are founded in science,” said Lieutenant Governor and Commission Chair Gavin Newsom. “This federal legislation is not.”

Proposed federal legislation, the Commercial Vessel Incidental Discharge Act, would strip California of its authority to protect its own waters; it would give the federal government exclusive authority to regulate incidental vessel discharges, including ballast water, and would dramatically lessen enforcement, allowing little more than minimal recordkeeping and reporting to suffice as proof of compliance. California is home to three of the largest ports in the nation and is a major gateway for products entering the United States. California needs to retain its authority to protect its waters from shipping-related pollution, especially since it already has an established management framework that is anchored in science and stakeholder expertise.

“Without sufficient oversight and enforcement of vessel discharges, California waters would be vulnerable to harmful invasive species. This poses significant public health and environmental threats, as well as major economic risks to our tourism, agricultural, and fishing industries,” said Controller Betty T. Yee, the state’s chief fiscal officer. “We must preserve the state’s authority to protect our waters and the health and safety of our citizens.”

Marine invasive species are a real threat to California’s oceans and waterways, harming human health and the environment and causing economic losses that can be staggering in scale. Ballast water discharge from commercial vessels is a primary vector for invasive species to enter state waters. California has robust and sensible science-based laws to protect its waters from marine invasive species introductions owing to vessel discharges, and they are effective.

The Commercial Vessel Incidental Discharge Act places the development, implementation, and enforcement of ballast water management laws and 35 categories of other discharges from commercial vessels under the sole authority of the U.S. Coast Guard—an approach that is nonsensical. This is an agency already overburdened by homeland security and vessel safety concerns and unfamiliar with setting water quality standards and ensuring environmental protection.

While improving the regulatory framework for ballast water and other incidental discharges from commercial vessels is meritorious, the sweeping preemption of states' rights in the current version of the legislation is unwise and will not fix the issues the bill seeks to address.

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